



PUBLIC NOTICE

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Consumer & Governmental Affairs Bureau Reminds Common Carriers of Their Obligation to Timely Respond to Informal Complaints

In this Public Notice, the Consumer & Governmental Affairs Bureau (“Bureau”) reminds common carriers of their obligation to timely respond to informal consumer complaints forwarded to them by the Commission pursuant to Section 208 of the Communications Act of 1934, as amended.¹ Under the Commission’s rules, when a consumer files a common carrier informal complaint with the Commission, the agency serves on the carrier a “Notice of Informal Complaint” that includes a copy of the complaint and instructions to investigate and respond to it within thirty (30) days.² Commission staff then reviews the complaint and the carrier’s response to determine what, if any, additional action is warranted.³ If the complainant is not satisfied with the carrier’s response and the Commission’s disposition, he or she may file a formal complaint with the Commission within six months of the carrier’s response.⁴

Recent experience indicates that some common carriers fail to respond as directed to informal complaints forwarded to them by the Commission. In doing so, these carriers violate Section 208 and the Commission’s rules,⁵ deprive consumers of their right to prompt resolution

¹ 47 U.S.C. § 208(a).

² 47 U.S.C. 208(a) (“a statement of the complaint thus made shall be forwarded by the Commission to such common carrier, who shall be called upon to satisfy the complaint or to answer the same in writing within a reasonable time to be specified by the Commission”); 47 C.F.R. §1.717 (“The carrier will, within such time as may be prescribed, advise the Commission in writing, with a copy to the complainant, of its satisfaction of the complaint or of its refusal or inability to do so.”). Commission practice has established 30 days as the standard period for carrier responses to informal consumer complaints.

³ *Id.*

⁴ 47 C.F.R. §1.718.

⁵ 47 C.F.R. §1.717.

of their complaints, and frustrate “a principal vehicle for achieving compliance and promoting competition.”⁶

Through this Public Notice, we remind common carriers of the Commission’s informal complaint rules and that rule violations are subject to enforcement action, including monetary forfeitures, up to a maximum of \$130,000 per violation, or up to \$1,325,000 for a continuing violation.⁷

The Bureau takes this opportunity to remind common carriers that it accepts responses to informal complaints by e-mail and compact disc. Carriers interested in submitting responses to informal complaints via e-mail or compact disc should contact Cynthia Brown, (202) 418-2516, for additional information. We emphasize, however, that all responses to informal complaints must be individual responses. The Bureau will not accept, for example, spreadsheets with a list of complainants’ names as an indication that informal complaints forwarded by the Bureau to the carrier have been resolved.

For further information regarding this notice, press should contact Rosemary Kimball, Director, Media Relations, Consumer & Governmental Affairs Bureau, (202) 418-0511. For non-media related inquiries, contact Sharon Bowers, Deputy Chief, Consumer Inquiries and Complaints Division, at (717) 338-2533.

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⁶ *Establishment of Rules Governing Procedures To Be Followed When Informal Complaints Are Filed By Consumers Against Entities Regulated by the Commission*, Memorandum Opinion and Order and Notice of Proposed Rulemaking, 17 FCC Rcd 3919, 3932 (2002).

⁷ 47 U.S.C. §503(b); 47 C.F.R. §1.80(b)(2). The Commission’s rules establish \$4,000 as the base forfeiture for a failure to respond to Commission communications. 47 C.F.R. 1.80(b)(4)(note). The Commission has reserved the right, however, to deviate from the base forfeitures based on the circumstances of a specific case. *See, e.g., The Commission’s Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087, 17099 ¶24 (1997) (subsequent history omitted).